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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/895,879	06/28/2001	Anthony F. Istvan	005217.P054	5379

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DARBY & DARBY, PC  
P.O. BOX 5257  
NEW YORK, NY 10150-5257

EXAMINER
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TRAN, HAI V

ART UNIT	PAPER NUMBER
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2623

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/23/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

09/895,879

Applicant(s)

ISTVAN ET AL.

Examiner

Hai Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 05 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-35 is/are pending in the application.
- 4a) Of the above claim(s) 1-12 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 13-35 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>12/05/06 &amp; 1/22/07</u> . | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 12/05/2006 has been entered.

### ***Response to Arguments***

Applicant's arguments filed 12/05/2006 have been fully considered but they are not persuasive in view of the new ground rejection.

Applicant argues, "For example, if a parent uses the television in the children's room the profile/settings in this particular example are related to the television in the children room, not a profile for the children themselves. In other words, the profiles/setting are equipment-specific, not user-specific. Accordingly, these profiles/setting are not user objects as recited in the claims because the profiles/settings are not associated with respective users of the access devices, but are rather access device objects because they are associated with respective access devices. Further more, there is no teaching in Ellis of multiple user objects.

In response, the Examiner respectfully disagrees with Applicant and cites §0011-0012 to support that the profiles/setting are both equipment-specific and user-specific

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because for example, parents may establish parental controls to lock various programs and services from a master location and the system will apply these parental controls to the various pieces of user television equipment throughout the household. Ellis further discloses that each user within the family has its own user profile and preferences associated with respective users of the access device within the household, see §0013.

Applicant further argues, "Ellis does disclose the program guide setting can be shared with another device using a user password (Ellis [0094], but there is no indication that there is more than one such user password per household...The office Action cites [0094] of Ellis as teaching these elements. This portion of Ellis discloses that a user can access his or her program guide settings at a location outside the home using a password."

In response, the Examiner respectfully disagrees with Applicant because, beside of that configuration, i.e., outside the home, Ellis clearly discloses the ability to establish favorite channels, to set a reminders, and to control other program guide setting at one location and to have those settings applied to multiple locations throughout the household. As such, parents and children have their own password so to obtain their corresponding setting, see §0011-0012

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 13-14, 16-17, 19-20, 22-31, and 33-34 are rejected under 35 U.S.C. 102(e) as being unpatentable by Ellis et al. (US 2005/0251827).

Claims 13 and 6, Ellis discloses a method/a configuration system of/for providing configuration information for at least one user object to an access device in a communication network system having a server and a plurality of access devices (Fig. 3-6; §015; §072), the method comprising:

Organizing the plurality of access devices according to an object-oriented model in which software objects are instantiated/represented in an object hierarchy, the object hierarchy including household objects, i.e., primary or secondary device, that contain user objects i.e., parental setting and access device objects, i.e. location settings are associated with respective access devices (see Fig. 11 and 18 A-B§0011-0012 to support that the profiles/setting are both equipment-specific and user-specific because for example, parents may establish parental controls to lock various programs and services from a master location and the system will apply

these parental controls to the various pieces of user television equipment throughout the household. Ellis further discloses that each user within the family has its own user profile and preferences associated with respective users of the access device within the household, see §0013),

The household objects (GUI that lists the devices and control options for selected devices and locations, i.e., Guest room, children room..., within the house/household) further containing configuration information associated with households in which the plurality of access devices are located, wherein each household is represented by a household object (see Fig. 18a-b; §0098-0099); and

The access device objects containing configuration information associated with respective access devices (reads configuration information of each corresponding devices, see §0092-0094).

The user objects containing configuration information associated with respective users of the plurality of access devices and, when instantiated, each user object defines interaction of a respective user with an access device in which the user object is instantiated (reads on respective room device assignment with its corresponding profile/setting; Fig. 3-5; Fig. 14; §0093);

Receiving information that an access device is being associated with a household having a household object comprising a plurality of the user objects (reads on user login userid and password in which the system determines login authorization, Ellis clearly discloses the ability to establish favorite channels, to set a reminders, and to control other program guide setting at one location and to have

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those settings applied to multiple locations throughout the household. As such, parents and children have their own password so to obtain their corresponding setting, see §0011-0012 and §0094) ;

Determining whether the access device is a household' s 1st access device; and If the access device is not the 1<sup>st</sup> access device of the household, then instantiating in the access device at least one user object from the household object representing the household, wherein the user object, when instantiated, inherits the configuration information of the user objects as recorded with the household object (reads on user login userid and password to a secondary device in which the system determine the secondary device is not the primary device. Thus, a corresponding setting profile associated with the userid and device location will be loaded to the secondary device; §0009 and see page 7, 0093-0094).

Claims 14 and 17, Ellis further discloses further comprising receiving configuration information for at least one user object from a user via the access device when the access device is the 1<sup>st</sup> access device of the household (reads on the user uses the primary device for establishing a primary setting of the primary device when it 1<sup>st</sup> connects to the home network or for changing the setting for all other devices; see page 7, §0089-0094).

Claim 19, Ellis further discloses a computer readable medium for use in a multimedia communication network system having a server and a plurality of access devices, the computer readable medium having instructions that when executed by the server cause the server to perform operations as discussed in method claim 13.

Claim 20, Ellis further discloses the computer readable medium is further analyzed as to method claim 14.

Claim 22, Ellis further discloses wherein information that the access device is being associated with the household is automatically received in response to a user coupling the access device to the multimedia communication network system (see page 7, §0094).

Claim 23, Ellis further discloses wherein receiving information that an access device is being associated with the household includes prompting the user to identify the household when the access device is being coupled to the multimedia communication network system (reads on user login with unique number, §0094);

Claim 24, Ellis further discloses further comprising providing to the access device an indication of whether the access device is determined to be the household 1<sup>st</sup> access device (by providing to user an opportunity to set parental control, see



Fig. 18a. The access device itself is determined to be the household 1<sup>st</sup> access device because only the 1<sup>st</sup> access device or primary device able to control all other secondary devices within the household; page 4, §0072);

Claim 25, Ellis further discloses wherein the access device is not the 1<sup>st</sup> access device of the household, the configuration information for the at least one user object is automatically provided to the access device (reads on any devices within the household receive a corresponding setting configuration according the setting set by the parent ; see page 4, §0072 and page 7, §0098);

Claim 26, Ellis further discloses further comprising, when the access device is not the 1<sup>st</sup> access device of the household, instantiating in the access device all of the user objects from the household object representing the household (reads on the access advice at the remote location in which parent able to control all the household access devices through GUI (household object) see page 7, §0101-0105).

Claim 27, Ellis further discloses wherein the configuration information for all of the user objects is automatically provided to the access device (reads on the state and configuration of all the household access devices is provided to the remote access device at remote location; see page 7, §0101-0105).

Claim 28, Ellis further discloses wherein the configuration information for all of the user objects is provided to the access device in response to a request (see page 7, §0101).

Claim 29, Ellis further discloses further comprising receiving updated configuration information for the at least one user object via the access device (see page 7, §0097-0098).

Claim 30, Ellis further discloses further comprising determining whether an administrator attribute in the at least one user object enables a protected setting in the configuration information to be updated (see Fig. 18a in which the parent able to change the blocking attribute; see page 7, §0098);

Claim 31, Ellis further discloses further comprising automatically providing to the access device updated configuration information for the at least one user object (see Fig. 18a and page 7, §0098).

Claim 33, Ellis further discloses further comprising, when the access device is the household's 1<sup>st</sup> access device, providing to the access device configuration information for at least one user object that was created beforehand (reads on the default admin/parent configuration that is inherently assigned to the primary/parent

device that parent/admin has the full control access of the system; see page 6, §0089-page 7, §0095).

Claim 34, Ellis further discloses wherein the at least one user object was created by a service provider in the multimedia communication network system (page 4, §0070);

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 15, 18, 21, 32 and 35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ellis et al. (US 2005/0251827) in view of Ludtke (US 6202210).

Claims 15 and 18, Ellis does not clearly disclose "providing to the access device a ticket number corresponding to the configuration information received from the user, which ticket number tracks the version of the configuration received from the user.

Ludtke discloses "providing to the access device a ticket number corresponding to the configuration information received from the user, which ticket number tracks the version of the configuration received from the user" (see Col. 2, lines 35-55). Therefore, it would have been obvious to one of ordinary skill in the art

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at the time the invention was made to modify Ellis with Ludtke so Ellis 's system able to be self-configured and able to accommodate new AV devices as they are added to the AV network. consequently, the system can guarantee that all such AV/C-compliance devices can be seamlessly communicated with, controlled and enjoyed by user (see Col. 4, lines 3-15).

Claim 21, the computer readable medium is further analyzed as to method claim 15.

Claim 32, wherein the updated configuration is further analyzed as to method claim 15.

Claim 35, "comprising receiving the ticket number from the access device and, in response thereto, providing to the access device a different ticket number with updated configuration information for the at least one user object " is analyzed with respect to claim 15.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hai Tran whose telephone number is (571) 272-7305. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher S. Kelley can be reached on (571) 272-7331. The fax phone

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number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

HT:ht  
02/16/2007



**HAI TRAN  
PRIMARY EXAMINER**